

106TH CONGRESS  
1ST SESSION

# S. 1058

To provide for the collection of fees for certain customs services, to authorize the continuation of certain preclearance services, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 14), 1999

Mr. GRAHAM (for himself, Mr. MACK, Mr. MOYNIHAN, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide for the collection of fees for certain customs services, to authorize the continuation of certain preclearance services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CUSTOMS USER FEES.**

4 (a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Sec-  
5 tion 13031(f)(3)(A)(iii) of the Consolidated Omnibus  
6 Budget Reconciliation Act of 1985 (19 U.S.C.  
7 58c(f)(3)(A)(iii)) is amended to read as follows:

8 “(iii) to the extent funds remain available after  
9 making reimbursements under clause (ii), in pro-

1       viding salaries for up to 50 full-time equivalent  
 2       inspectional positions to provide preclearance serv-  
 3       ices.”.

4       (b) COLLECTION OF FEES FOR PASSENGERS ABOARD  
 5       COMMERCIAL VESSELS.—Section 13031 of the Consoli-  
 6       dated Omnibus Budget Reconciliation Act of 1985 (19  
 7       U.S.C. 58c) is amended—

8               (1) in subsection (a), by amending paragraph  
 9       (5) to read as follows:

10              “(5)(A) Subject to subparagraph (B), for the  
 11       arrival of each passenger aboard a commercial vessel  
 12       or commercial aircraft from a place outside the  
 13       United States (other than a place referred to in sub-  
 14       section (b)(1)(A)(i) of this section), \$5.

15              “(B) For the arrival of each passenger aboard  
 16       a commercial vessel from a place referred to in sub-  
 17       section (b)(1)(A)(i) of this section, \$1.75.”; and

18              (2) in subsection (b)(1)(A), by striking “(A) No  
 19       fee” and inserting “(A) Except as provided in sub-  
 20       section (a)(5)(B) of this section, no fee”.

21       (c) USE OF MERCHANDISE PROCESSING FEES FOR  
 22       AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f)  
 23       of the Consolidated Omnibus Budget Reconciliation Act  
 24       of 1985 (19 U.S.C. 58c(f)) is amended by adding at the  
 25       end the following:

1       “(6) Of the amounts collected in fiscal year 1999  
2 under paragraphs (9) and (10) of subsection (a),  
3 \$50,000,000 shall be available to the Customs Service,  
4 subject to appropriations Acts, for automated commercial  
5 systems. Amounts made available under this paragraph  
6 shall remain available until expended.”.

7       (d) ADVISORY COMMITTEE.—Section 13031 of the  
8 Consolidated Omnibus Budget Reconciliation Act of 1985  
9 (19 U.S.C. 58c) is amended by adding at the end the fol-  
10 lowing:

11       “(k) ADVISORY COMMITTEE.—The Commissioner of  
12 Customs shall establish an advisory committee whose  
13 membership shall consist of representatives from the air-  
14 line, cruise ship, and other transportation industries who  
15 may be subject to fees under subsection (a). The advisory  
16 committee shall not be subject to termination under sec-  
17 tion 14 of the Federal Advisory Committee Act. The advi-  
18 sory committee shall meet on a periodic basis and shall  
19 advise the Commissioner on issues related to the perform-  
20 ance of the inspectional services of the United States Cus-  
21 toms Service. Such advice shall include, but not be limited  
22 to, such issues as the time periods during which such serv-  
23 ices should be performed, the proper number and deploy-  
24 ment of inspection officers, the level of fees, and the ap-  
25 propriateness of any proposed fee. The Commissioner shall

1 give consideration to the views of the advisory committee  
 2 in the exercise of his or her duties.”.

3 (e) NATIONAL CUSTOMS AUTOMATION TEST RE-  
 4 GARDING RECONCILIATION.—Section 505(c) of the Tariff  
 5 Act of 1930 (19 U.S.C. 1505(c)) is amended by adding  
 6 at the end the following: “For the period beginning on  
 7 October 1, 1998, and ending on the date on which the  
 8 ‘Revised National Customs Automation Test Regarding  
 9 Reconciliation’ of the Customs Service is terminated, or  
 10 October 1, 2000, whichever occurs earlier, the Secretary  
 11 may prescribe an alternative mid-point interest accounting  
 12 methodology, which may be employed by the importer,  
 13 based upon aggregate data in lieu of accounting for such  
 14 interest from each deposit data provided in this sub-  
 15 section.”.

16 (f) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as provided in para-  
 18 graph (2), the amendments made by this section and  
 19 the provisions of this section shall take effect 30  
 20 days after the date of enactment of this Act.

21 (2) CERTAIN CUSTOMS FEES.—The amend-  
 22 ments made by subsection (b) shall apply with re-  
 23 spect to Customs services rendered after May 31,  
 24 1999.

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